

RESOLUTION OF THE REPUBLICAN RIVER COMPACT ADMINISTRATION

ADDENDUM TO RESOLUTION APPROVING ACCOUNTING ADJUSTMENTS AND AGREEMENTS RELATED TO THE OPERATION OF HARLAN COUNTY LAKE IN 2015 DATED NOVEMBER 19, 2014.

March 6, 2015

Whereas, the States of Kansas, Nebraska, and Colorado entered into a Final Settlement Stipulation (“FSS”) as of December 15, 2002, to resolve pending litigation in the United States Supreme Court regarding the Republican River Compact (“Compact”) in the case of *Kansas v. Nebraska and Colorado*, No. 126 Original;

Whereas, the FSS was approved by the United States Supreme Court on May 19, 2003;

Whereas, the States, in consultation with the United States, have determined for the years 2014 and 2015 that the Compact may be administered in a manner that increases flexibility for all water users, while remaining consistent with the terms of the Compact and the FSS pursuant to the terms of the Resolution Approving Accounting Adjustments and Agreements related to the Operation of Harlan County Lake in 2015 dated November 19, 2014;

Whereas, the RRCA previously adopted the Resolution Approving Accounting Adjustments and Agreements Related to the Operation of Harlan County Lake in 2015, and the States desire to elaborate on that Resolution and pursue development and administration of the “Kansas Account” as referenced in III(a); and

Whereas, in order to administer the Compact in a more flexible manner, which provides a greater benefit to all water users, yet remains in conformance with the FSS and the Compact, the States desire to establish the parameters under which water will be administered pursuant to the November 19, 2014 Resolution until further agreement of the Parties.

NOW THEREFORE BE IT RESOLVED:

- 1) Nebraska has established, pursuant to the applicable Integrated Management Plans, the amount of water in excess of natural flows and storage releases, that Nebraska believes must pass into Kansas to ensure Nebraska remains in compliance with the Compact (the “Compact Call Forecast Volume”). This amount of water is specified in Nebraska’s annual “Forecast of Allowable Depletions in the Republican Basin”;
- 2) Nebraska shall make good faith efforts to ensure that, no later than June 1, 2015, an amount of water equal to the 2015 Compact Call Forecast Volume (17,600 acre feet) arrives at Harlan County Lake;
- 3) The United States Bureau of Reclamation shall be entitled to store the 2015 Compact Call Forecast Volume as “project water” for distribution pursuant to its contracts with

irrigation districts in Nebraska and Kansas as established in Paragraphs IV and V of the November 19, 2014 Resolution;

- 4) Once the 2015 Compact Call Forecast Volume has reached Harlan County Lake, any closing notices issued by Nebraska pursuant to a Compact Call shall be lifted, subject to Paragraph 6(a) below;
- 5) Nebraska shall continuously evaluate actual hydrologic conditions and determine the actual volume of water that Nebraska believes must pass into Kansas to ensure compliance (the "Compact Compliance Volume"). Nebraska shall provide the results to Kansas and Colorado and to the United States not later than the tenth day of each month. If the Compact Compliance Volume is greater than the sum of the natural flows, storage releases and the Compact Call Forecast Volume, the difference between the former and the sum of the latter is the "2015 Compliance Shortfall". Nebraska shall provide the final accounting of the 2015 Compliance Shortfall, if any, to the States by December 31, 2015.
- 6) If Nebraska identifies a 2015 Compliance Shortfall, Nebraska may take one or more of the following actions individually or in combination to ensure the full Compact Compliance Volume reaches Harlan County Lake:
 - a. Nebraska may reinstate closing notices applied to Nebraska surface water users, provided, the closing notices shall not be reinstated prior to September 15, 2015; or
 - b. Take any other actions agreed upon by the three States.
- 7) In the event any action taken under Paragraph 6 fails to ensure the full Compact Compliance Volume reaches Harlan County Lake:
 - a. Nebraska shall increase the 2016 Compact Call Forecast Volume to include the 2015 Compliance Shortfall; and
 - b. The RRCA shall offset against Nebraska's 2015 Compact compliance obligation the portion of the 2015 Compliance Shortfall that is delivered to Harlan County Lake by April 15, 2016, as project water for Kansas' exclusive use, provided that Nebraska's 2016 Compact compliance obligation shall not be reduced by the 2015 Compliance Shortfall.
- 8) To the extent that any portion of the 17,600 acre feet referenced in Paragraph 2 remains in Harlan County Lake on January 1, 2016 ("Unused Portion"):
 - a. The amount of Nebraska's offset credit in the Compact accounting for 2015 shall be reduced by 70% of the Unused Portion;
 - b. Nebraska shall not be charged in the Compact accounting for the consumptive use of any part of the Unused Portion.
 - c. The determination of the Unused Portion, if any, shall be based on Reclamation's December 1, 2015 estimate.